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RASIER, LLC; and RASIER-CA, LLC

[Additional Counsel Listed on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

This Document Relates to:

ALL ACTIONS

Case No. 3:23-md-03084-CRB

**DECLARATION OF DANIEL
CUMMINGS IN SUPPORT OF
DEFENDANTS' STATEMENT IN
SUPPORT OF PLAINTIFFS'
ADMINISTRATION MOTION TO
CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE
FILED UNDER SEAL [ECF NO. 1651]**

Judge: Hon. Lisa J. Cisneros
Courtroom: G – 15th Floor

DECLARATION OF DANIEL CUMMINGS IN SUPPORT OF DEFENDANTS' STATEMENT IN SUPPORT OF
PLAINTIFFS' ADMINISTRATION MOTION TO CONSIDER WHETHER ANOTHER PARTY'S MATERIAL
SHOULD BE FILED UNDER SEAL [ECF NO. 1651]

1 I, Daniel Cummings, having personal knowledge of the following state:

2 1. I am an attorney at the law firm of Shook, Hardy & Bacon LLP, attorneys of record for
3 Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC, (collectively, "Uber"). I am
4 a member in good standing of the Bars of the States of Missouri, Kansas, and Nebraska. I know the
5 following facts to be true of my own knowledge, except those matters stated to be based on information
6 and belief, and if called to testify, I could competently do so. I respectfully submit this declaration in
7 support of Uber's Statement in Support of Plaintiffs' Administrative Motion to Consider Whether
8 Another Party's Material Should Be Filed Under Seal, ECF No. 1651.

9 2. I have reviewed Exhibit A in support of Plaintiffs' reply in support of their motion to
10 compel custodial discovery. It is a chart originally created by Uber to demonstrate the relevance and
11 appropriateness of its proposed custodians. Exhibit A is a revised version of that chart containing
12 Plaintiffs' responses to Uber's proposed custodians, created pursuant to the Court's September 13,
13 2024 docket entry (ECF 1368). The chart includes confidential, non-public information supplied by
14 Uber. It contains the names of 18 Uber employees, job titles, dates of employment, litigation hold
15 dates, and confidential, non-public details of their internal roles and responsibilities. The prior version
16 of this chart (without Plaintiffs' responses) was filed under seal by Uber (ECF No. 1542). Unsealing
17 the documents would create a high probability of annoyance, embarrassment and undue burden or
18 expense for the employees. Disclosure of Uber's internal descriptions of employee job duties and
19 reporting responsibilities is also proprietary information that could cause competitive economic harm
20 to Uber if disclosed publicly.

21 3. I have reviewed Exhibit B in support of Plaintiffs' reply in support of their motion to
22 compel custodial discovery. It is a chart originally created by Uber to respond to Exhibit 9 of the
23 Luhana Declaration In Support Of Plaintiffs' Motion to Compel Custodial Discovery (ECF 1137-1),
24 which Plaintiffs filed under seal. The current version of this chart was created by Plaintiffs to add their
25 response to Uber's positions, pursuant to the Court's September 13, 2024 docket entry (ECF 1368).
26 The chart includes confidential, non-public information supplied by Uber. It contains the names of 18
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1 Uber employees and confidential, non-public details of their internal roles and responsibilities. It also
2 contains numerous citations to and quotations from documents produced in this litigation designated
3 as “confidential” and “highly confidential – attorneys’ eyes only.” The information in this chart
4 (without Plaintiffs’ responses) was filed under seal by Uber (ECF No. 1542). Uber has not agreed to
5 designate many of these employees as custodians of ESI, and as such their relevance to the underlying
6 matter is in dispute. Unsealing the documents would create a high probability of annoyance,
7 embarrassment and undue burden or expense for the employees. Disclosure of Uber’s internal
8 descriptions of employee job duties and reporting responsibilities is also proprietary information that
9 could cause competitive economic harm to Uber if disclosed publicly.

10 4. The disclosure of Exhibits A or B in support of Plaintiffs’ reply in support of their
11 motion to compel custodial discovery could harm Uber’s marketplace standing, infringe the privacy
12 interests of its employees, and cause undue harm if publicly disseminated.

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14 I declare under penalty of perjury that the foregoing is true and correct.

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16 Executed on September 24, 2024.

By: /s/ Daniel Cummings

17 Daniel Cummings
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